

U.
A.G. CONTRACT NO. KR87-0201

PROJECT: F-053-1-514
SECTION: Shea Boulevard - Tonto
Forest Boundary
State Highway 87

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE STATE OF ARIZONA

AND

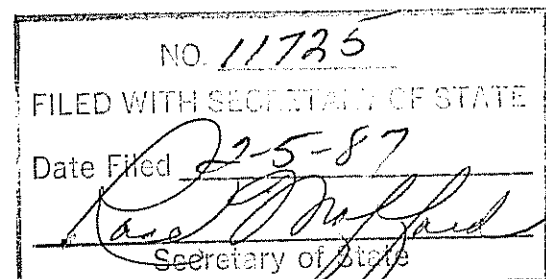
FORT McDOWELL MOHAVE-APACHE INDIAN COMMUNITY

THIS AGREEMENT entered into this 29th day of December, 1986,
by and between the STATE OF ARIZONA, acting by and through the
Arizona Department of Transportation, Highways Division,
hereinafter referred to as "STATE", and the Fort McDowell Mohave-
Apache Indian Community, acting by and through its Tribal
Council, hereinafter referred to as "COMMUNITY".

WITNESSETH:

That STATE is authorized to enter into this agreement pursuant to
A.R.S. Sections 28-108 and 28-1865. The COMMUNITY is authorized
to enter into this agreement pursuant to Tribal Council
Resolution No. Ft. McD. 86-37 attached hereto.

NOW, THEREFORE, it is mutually agreed by and between STATE and
COMMUNITY that:



STATE SHALL:

1. Advance the sum of Seventy Five Thousand Dollars (\$75,000.00) to COMMUNITY.

2. Said sum shall be deducted from any sums due COMMUNITY as a result of settlements between STATE and COMMUNITY in connection with Project F-053-1-514.

COMMUNITY SHALL:

1. Utilize said advance payment for the development of a comprehensive reservation-wide master plan.

2. Furnish to STATE a copy of said plan upon its completion.

3. In the event that Project F-053-1-514 is not completed, through no fault of the COMMUNITY, refund to STATE the full amount of aforesaid advance payment.

4. In accordance with Resolution No. Ft. McD. 86-37, as aforesaid, negotiate with STATE to arrive at a final configuration and location for said improved highway and grant to the State an easement for the use of the right of way as agreed upon.

5. Said sum of \$75,000.00 is an advance of the anticipated fair market value for the right of way that is necessary.

ALL parties are hereby placed on notice that this Agreement is subject to cancellation by the Governor pursuant to Section 38-511 Arizona Revised Statutes.

THIS AGREEMENT shall become effective on the date of its being filed with the Secretary of State.

Attached hereto and incorporated herein by reference is a copy of STATE's resolution authorizing entry into this agreement, a copy of COMMUNITY's resolution passed by its Tribal Council, a copy of the written determination of the appropriate attorney that COMMUNITY is authorized under the laws of the United States to enter into this agreement, and that said agreement is in proper form, and a copy of the Attorney General's Intergovernmental Agreement Determination Letter.

PROJECT: F-053-1-514
SECTION: Shea Boulevard - Tonto
Forest Boundary
State Highway 87

IN WITNESS WHEREOF, the parties have executed this agreement the
day and year first above written.

FORT McDOWELL MOHAVE-APACHE
INDIAN COMMUNITY

By: James Hood
Title Chairman

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

By: W. O. Ford
State Engineer

BUREAU OF INDIAN AFFAIRS

By: Samuel L. Willard
TITLE: Superintendent

Ft. McDowell Mohave Apache
Indian Community

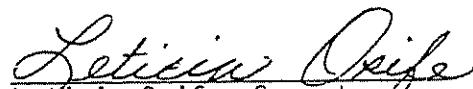
P O. Box 17779
Fountain Hills, Arizona 85268


RESOLUTION NO. Ft.McD. 86-37

- WHEREAS, The Arizona Department of Transportation (ADOT) wishes to study the feasibility of widening and/or realigning State Highway 87 through the reservation; and
- WHEREAS, The Fort McDowell Mohave-Apache Indian Community (Tribe) is most interested in cooperating with ADOT and having the highway improved, thereby allowing new and additional activities and enterprises develop on reservation lands; and
- WHEREAS, The Tribe has already granted permission to ADOT to make necessary aerial and ground surveys within the proposed highway corridor; and
- WHEREAS, ADOT will, at the conclusion of the survey, be making recommendations to the Tribe regarding placement of a new or expanded highway corridor; and
- WHEREAS, The Tribe must develop a comprehensive reservation-wide land use master plan, within the context of which ADOT's plans may be properly evaluated.
- NOW, THEREFORE, BE IT RESOLVED THAT, The Tribe endorses ADOT's concept to improve State Highway 87 and wishes to work cooperatively with ADOT to develop a final plan that will be acceptable to all parties and can be approved by the Tribe.
- BE IT FURTHER RESOLVED THAT, The Tribe seeks initial funding from ADOT of \$75,000, for the purpose of allowing the Tribe to commence necessary master planning activities such sum to be ultimately credited by the Tribe against any final settlement that may be negotiated between the Tribe and ADOT as ADOT's payment to the Tribe for considerations that may be granted by the Tribe to ADOT for this project involving the improvement of State Highway 87.

C E R T I F I C A T I O N

Pursuant to authority contained in Article IV, Section 1, (b) and (d) of the Constitution and By-Laws of the Fort McDowell Mohave-Apache Indian Community ratified by the Tribe on October 3, 1936 and approved by the Secretary of the Interior on November 24, 1936, the foregoing resolution was adopted 13th day of November, 1986 at a Special Council Meeting held at Fort McDowell, at which a quorum of 4 members were present, 1 absent, by a vote of 4 for and 0 opposed.


Leticia Osife, Secretary
Ft. McDowell Tribal Council


Louis Hood, President
Ft. McDowell Tribal Council

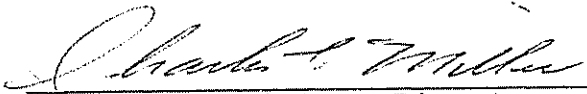
DATE: November 13, 1986

PROJECT: F-053-1-514
SECTION: Shea Boulevard -
Tonto Forest Boundary
State Highway 87

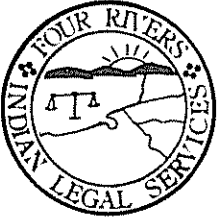
RESOLUTION

BE IT RESOLVED on this 28th day of November, 1986, that I, Charles L. Miller, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into an Intergovernmental Agreement with the Fort McDowell Mohave-Apache Indian Community for the purpose of advancing \$75,000.00 to said Community to be used by them in the development of a land-use master plan in connection with Project F-053-1-514.

THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.


Charles L. Miller, Director
Arizona Department of
Transportation

WH:ks



FOUR RIVERS INDIAN LEGAL SERVICES

Box 68, Sacaton, Arizona 85247-0068
(602) 562-3369

Phoenix 254-2081

Salt River Office

Route 1, Box 215-X
Scottsdale, Arizona 85256
(602) 949-5512

RECEIVED
JAN 23 1987
RIGHT OF WAY SECTION
A.D.O.T.

January 21, 1987

Louis Hood, President
Fort McDowell Mohave-Apache
Indian Community
P.O. Box 17779
Fountain Hills, Arizona 85268

Re: INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE
OF ARIZONA AND FT. McDOWELL MOHAVE-APACHE
INDIAN COMMUNITY RELATING TO PROJECT F-053-1-514,
SHEA BOULEVARD TO TONTO FOREST BOUNDARY, STATE
HIGHWAY 87

Dear President Hood:

At your request I have reviewed the Intergovernmental Agreement between the State of Arizona, Department of Transportation, Highways Division and the Fort McDowell Mohave-Apache Indian Community relating to Project F-053-1-514, State Highway 87 from Shea Boulevard to Tonto Forest boundary. The Intergovernmental Agreement provides an advance payment to the Community for a comprehensive land use plan.

It is my opinion that the Fort McDowell Mohave-Apache Indian Community is authorized under its Constitution and the laws of the United States to execute this Agreement, and that the Agreement is in proper form.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Eric Dahlstrom", written over a horizontal line.

Eric Dahlstrom
Special Counsel to the Community

rdw



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

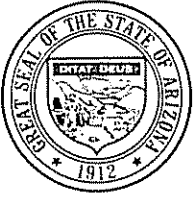
A. G. Contract No. KR87-0201, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 29th day of January, 1987.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division



ARIZONA DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION

206 South Seventeenth Avenue Phoenix, Arizona 85007

EVAN MECHAM
Governor

CHARLES L. MILLER
Director

W.O. FORD
State Engineer

February 17, 1987

Mr. Eric Dahstrom, Esq.
Four Rivers Indian Legal Services
P. O. BOX 68
Sacaton, Arizona 85247

Re: Intergovernmental
Agreement
Shea Blvd. - Tonto
Forest Boundary

Dear Mr. Dahstrom:

Enclosed for your reference and file is a copy of the fully executed Intergovernmental Agreement concerning the development of a reservation-wide master plan.

Sincerely,

WILLIAM HELLER
Legal Branch
Right of Way Condemnation Services

WH:ks
Enc.



TO Eric Dakstran Esq. FR and copy to
Four Rivers Indian Legal Services
P.O. Box 48 Sacaton Az 85247

↓ SUBJECT IGA - St. Louis & Ft. McD. M. D. M. D. - Ag. Le DATE 1/15/87

MESSAGE

After had please find a sample a number of
from "Dottar" you may address letter to
where 't. am concerned' however, direct the
in regard to my attention
Thank you.

E. V. A. L. H.
SIGNED

REPLY

↑

DATE / /

REDIFORM 4S 472

SIGNED
SEND PARTS 1 AND 3 INTACT -
PART 3 WILL BE RETURNED WITH REPLY.
carbonless POLY PAK (50 SETS) 4P472
ATTACH AND FILE FOR FOLLOW-UP



ARIZONA DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION

206 South Seventeenth Avenue Phoenix, Arizona 85007

EVAN MECHAM
Governor

CHARLES L. MILLER
Director

W O. FORD
State Engineer

February 4, 1987

SECRETARY OF STATE
1700 West Washington, 7th Floor
Phoenix, Arizona 85007

Re: Intergovernmental Agreement
Fort McDowell Mohave-Apache Indian Community

Gentlemen:

Please file the attached Intergovernmental Agreement, returning the original to me at mail drop 330E, and retaining the copy for your files.

Thank you.

Sincerely,

Wm. Heller/ks

WILLIAM HELLER
Legal Branch
R/W Condemnation Services

WH:ks
Enc.



ARIZONA DEPARTMENT OF TRANSPORTATION

OFFICE MEMO

January 27, 1987

RECEIVED
FEB 03 1987

TO: JAMES REDPATH
Chief Counsel

RIGHT OF WAY SECTION
A.D.O.T.

FROM: WILLIAM HELLER
Legal Branch
R/W Condemnation Services

RE: Intergovernmental Agreement
Fort McDowell Mohave-Apache Indian Community

Attached is the fully executed Intergovernmental Agreement, which was previously reviewed by your department.

If you will attach an Intergovernmental Agreement Determination Letter and return to this office, we will complete processing and distribute copies to all concerned parties.



WH:ks
attachment

0005e/

RECEIVED

FEB 03 1987

CONDEMNATION

RECEIVED
JAN 29 1987

ATTORNEY GENERAL
TRANSPORTATION DIVISION

/

ATTORNEY GENERAL
TRANSPORTATION DIVISION

December 3, 1986

RECEIVED
DEC 08 1986
RIGHT OF WAY SECTION
A.D.O.T.

MEMO TO: William Heller (330E)
Legal Branch
R/W Condemnation Services

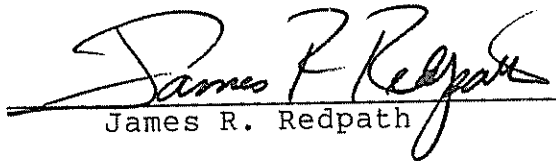
FROM: James R. Redpath
Chief Counsel

SUBJECT: Intergovernmental Agreement
State and Fort McDowell Mohave-Apache Indian Community

I believe the above referenced proposed IGA should include some clause which specifies precisely what the \$75,000.00 is being applied to. The way the agreement presently stands, it says that the money is for "settlements" but I believe that it should include a clause stating that the community will, in fact, grant the State whatever necessary right of way is needed for the project, and that this sum is being applied to whatever is due the tribe.

In other words, there should be a commitment on the part of the community, that they will grant to the State the necessary right of way, that we will pay the fair market value for the right of way, and that the \$75,000.00 is an advance of the anticipated fair market value for right of way that is necessary.

With this type of clarification, the agreement would be in a posture to be signed by the Department


James R. Redpath

JRR/c
Attachment

RECEIVED
DEC 03 1986
CONDEMNATION

ARIZONA DEPARTMENT OF TRANSPORTATION

OFFICE MEMO

December 26, 1986

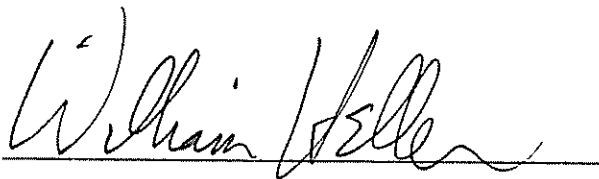
TO: W. O. FORD
State Engineer

FROM: WILLIAM HELLER
Legal Branch
Right of Way Condemnation Services

RE: Intergovernmental Agreement
Fort McDowell Mohave-Apache Indian Community

Enclosed for your signature is the original and a duplicate original of the above-mentioned Intergovernmental Agreement.

If you will execute both sets and return them to me, I will have the agreement approved by the Attorney General's office and distribute copies to interested parties.

A handwritten signature in cursive script, reading "William Heller", is written over a horizontal line.

WH:ks
Enclosures

ARIZONA DEPARTMENT OF TRANSPORTATION

OFFICE MEMO

December 26, 1986

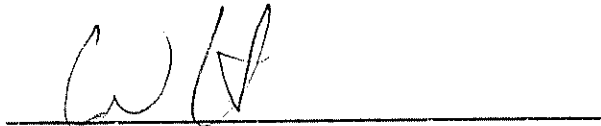
TO: W. O. FORD
State Engineer

FROM: WILLIAM HELLER
Legal Branch
Right of Way Condemnation Services

RE: Intergovernmental Agreement
Fort McDowell Mohave-Apache Indian Community

Enclosed for your signature is the original and a duplicate original of the above-mentioned Intergovernmental Agreement.

If you will execute both sets and return them to me, I will have the agreement approved by the Attorney General's office and distribute copies to interested parties.



✓ WH:ks
Enclosures

OFFICE MEMO

November 26, 1986

TO: CHARLES L. MILLER
Director

THRU: W. O. FORD
State Engineer

FROM: WILLIAM HELLER
Legal Branch
R/W Condemnation Services

RE: Intergovernmental Agreement
Fort McDowell Mohave-Apache Indian
Community

Attached for your signature is a resolution to prepare an intergovernmental agreement for the purpose of advancing \$75,000.00 to the Fort McDowell Mohave-Apache Indian Community to be used to develop a land-use master plan in accordance with Project F-053-1-514.

Upon signing the resolution, please return to this office at mail drop 330E. Thank you.



WH:ks
attachment

BRIEF MEETING REPORT

by C. Winikka 11/10/86

PROJECT OR TOPIC: Project F-053-1-514
Shea Boulevard - Tonto Forest Boundary
Survey Permit and Funding Advance

DATE, TIME, PLACE: November 7, 1986, 2:30 p.m., Ft. McDowell Indian Res.

ATTENDEES: Representatives of:

- . Ft. McDowell Mohave-Apache Indian Community
- . U. S. Bureau of Indian Affairs
- . Franzoy-Corey
- . ADOT

(See attached sign-in sheet.)

RECEIVED
NOV 24 1986
RIGHT OF WAY SECTION
A.D.O.T.

PURPOSE:

- . To obtain permission for field surveys.
- . To discuss coordination of Project - Land Use Plans.
- . To discuss fund advance of \$75,000 to Community.

ITEMS REVIEWED

- . Revised survey permit, future work that may require digging, testing, drilling, and field archaeological work.
- . Coordination with Community Headquarters during field surveys and prior to any subsurface work.
- . Procedure for advancement of \$75,000. (Correspondence PPC recommendation to board and Transportation Board approval.
- . Community need for special products.

ACTION ITEM SUMMARY:

- . A survey permit for this project was signed at this meeting.
- . Coordination procedures were agreed upon:
 - . Survey activity will begin as soon as possible.
 - . Survey activity progress will be reported at least weekly.
 - . Future subsurface (testing, drilling, or archaeological work) activity will be coordinated and specifically approved by the President of the Tribe.
- . A statement of support for the project to improve SR 87, including a request for an advance of \$75,000, will be submitted by the Tribe.

11/21/86, copies sent to Art Dixon, Dick Kamps, Robert Mickelson, and Dean Lindsey

4/40

FMD - ADOT MEETING 11-07-86

- 1 LOUIS HOOD FMD
- 2 Dick Kamps Atty Gen Office
- 3 Dick Taylor, AZ DOT Photo/Mapping
- 4 ART DIXON ADOT Right of Way Section
- 5 LARRY KILBOURNE - ADOT - R/W
- 6 Mike Kaye - FAS
- 7 LAWRENCE S. BRAUND, FRANZOY - COREY ARCH & ENGR
- 8 CARL WINIKKA, ADOT Location Section
- 9 Samuel L. Hilliard, BIA, Supt.
- 10 Clayton J. LaCours. F.M.D.

ARIZONA DEPARTMENT OF TRANSPORTATION

OFFICE MEMO

November 26, 1986

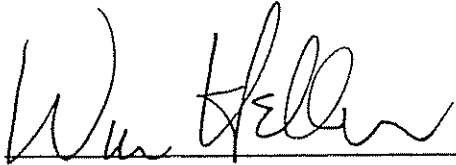
TO: A. H. DIXON
Chief Right of Way Agent

FROM: WILLIAM HELLER
Legal Branch
R/W Condemnation Services

RE: Intergovernmental Agreement
Fort McDowell Mohave-Apache Indian Community

Attached is a preliminary draft of the proposed agreement between the State of Arizona and the Fort McDowell Mohave-Apache Indian Community in connection with Project F-053-1-514.

Please examine the agreement and return it to me after noting thereon any desired changes.



WH:ks
attachment

cc: Larry Kilbourne, w/attachment

ARIZONA DEPARTMENT OF TRANSPORTATION

OFFICE MEMO

9
December 2, 1986

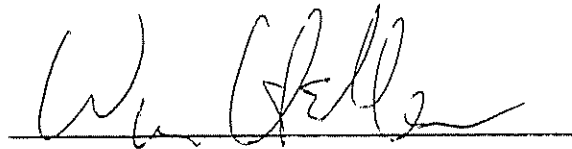
TO: JAMES REDPATH
Chief Counsel

FROM: WILLIAM HELLER
Legal Branch
R/W Condemnation Services

RE: Intergovernmental Agreement

Enclosed for your advance review is an Intergovernmental Agreement between the State of Arizona and the Fort McDowell Mohave-Apache Indian Community.

If the Agreement is satisfactory, please advise and return to this office so that we may complete processing.



WH:ks
Enc.

Ft. McDowell Mohave-Apache
Indian Community

Memorandum

RECEIVED

NOV 19 1986

P.O. BOX 17779
FOUNTAIN HILLS, ARIZONA 85268
(602) 990-0995

TO : Larry C. Kilbourne

FROM : (Mike)
Myron S. Kayes
Grants Administrator

RIGHT OF WAY SECTION
A.D.O.T.

DATE: November 17, 1986

SUBJECT: Enclosed two resolutions

For your information, enclosed please find original signed Resolutions (Ft.McD.86-36&37). Number 36 conveys formal cooperation and authorization from the Tribe to ADOT regarding agreed-upon survey work under permit. Number 37 is enclosed at ADOT's request and has the effect of pledging full support and cooperation while it simultaneously and formally request a \$75,000 payment from ADOT.

I trust that these two resolutions satisfy our mutual understanding and I trust that all necessary follow-up may now be expidited. Should you have any questions or require further information, please do not hesitate to contact me.

Once again may I thank you for your continued assistance and cooperation.

*Ft. McDowell Mohave Apache
Indian Community*

P.O. Box 17779
Fountain Hills, Arizona 85268

RESOLUTION NO. Ft.McD. 86-36

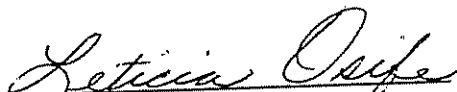
- WHEREAS, The Fort McDowell Mohave-Apache Tribal Council is interested in cooperating with the Arizona Department of Transportation (ADOT); and
- WHEREAS, ADOT desires to improve State Highway #87 through Reservation lands; and
- WHEREAS, The Fort McDowell Mohave-Apache Tribal Council acknowledges its continued involvement with and understanding of ADOT's proposed program.

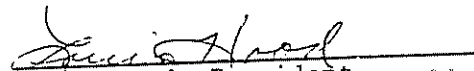
NOW THEREFORE BE IT RESOLVED that the Fort McDowell Tribal Council authorizes its Chairman to enter into necessary agreement on behalf of this Tribal Council to demonstrate our continued interest and support for the improvement of State Highway #87.

BE IT FURTHER RESOLVED THAT, we approve the permit granted to ADOT on 11-14-86, allowing ADOT to commence necessary survey and related studies on Reservation lands.

C E R T I F I C A T I O N

Pursuant to authority contained in Article IV, Section 1, (b) and (d) of the Constitution and By-Laws of the Fort McDowell Mohave-Apache Indian Community ratified by the Tribe on October 3, 1936, and approved by the Secretary of the Interior on November 24, 1936, the foregoing resolution was adopted this 13th day of November, 1986 at a Special Council Meeting held at Fort McDowell, at which a quorum of 4 members were present, 1 absent, by a vote of 4 for 0 opposed.


Leticia Osife, Secretary
Ft. McDowell Tribal Council


Louis Hood, President
Ft. McDowell Tribal Council

DATE: November 13, 1986

Ft. McDowell Mohave Apache
Indian Community

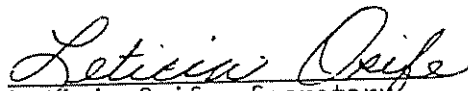
P.O. Box 17779
Fountain Hills, Arizona 85268


RESOLUTION NO. Ft.McD. 86-37

- WHEREAS, The Arizona Department of Transportation (ADOT) wishes to study the feasibility of widening and/or realigning State Highway 87 through the reservation; and
- WHEREAS, The Fort McDowell Mohave-Apache Indian Community (Tribe) is most interested in cooperating with ADOT and having the highway improved, thereby allowing new and additional activities and enterprises develop on reservation lands; and
- WHEREAS, The Tribe has already granted permission to ADOT to make necessary aerial and ground surveys within the proposed highway corridor; and
- WHEREAS, ADOT will, at the ^{conclusion} ~~consultation~~ of the survey, be making recommendations to the Tribe regarding placement of a new or expanded highway corridor; and
- WHEREAS, The Tribe must develop a comprehensive reservation-wide land use master plan, within the context of which ADOT's ^{plans} ~~plans~~ may be properly evaluated.
- NOW, THEREFORE, BE IT RESOLVED THAT, The Tribe endorses ADOT's concept to improve State Highway 87 and wishes to work cooperatively with ADOT to develop a final plan that will be acceptable to all parties and can be approved by the Tribe.
- BE IT FURTHER RESOLVED THAT, The Tribe seeks initial funding from ADOT of \$75,000, for the purpose of allowing the Tribe to commence necessary master planning activities such sum to be ultimately credited by the Tribe against any final settlement that may be negotiated between the Tribe and ADOT as ADOT's payment to the Tribe for considerations that may be granted by the Tribe to ADOT for this project involving the improvement of State Highway 87.

C E R T I F I C A T I O N

Pursuant to authority contained in Article IV, Section 1, (b) and (d) of the Constitution and By-Laws of the Fort McDowell Mohave-Apache Indian Community ratified by the Tribe on October 3, 1936 and approved by the Secretary of the Interior on November 24, 1936, the foregoing resolution was adopted 13th day of November, 1986 at a Special Council Meeting held at Fort McDowell, at which a quorum of 4 members were present, 1 absent, by a vote of 4 for and 0 opposed.


Leticia Osife, Secretary
Ft. McDowell Tribal Council


Louis Hood, President
Ft. McDowell Tribal Council

DATE: November 13, 1986

MATCH LINE TO PAGE 2

520 000 FEET

540 000 FEET

560 000 FEET

580 000 FEET

600 000 FEET

940 000 FEET

R. 5 E.

R. 6 E.

R. 7 E.

111° 34' 48"

To Payson

T. 3 N.

MATCH LINE TO PAGE 1

920 000 FEET

T. 2 N.

900 000 FEET

T. 1 N.

880 000 FEET

